THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5245 of 2005

08.11.2006

Between:

M.Lalitha Kumari, W/o.M.Suresh Kumar

... Petitioner

AND

The Sub Registrar, Registration and Stamps Department,
Tirupathi, Chittoor District
And others

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5245 of 2005

ORDER:

The petitioner statedly purchased land admeasuring Acs.0.14 in survey No.57/3 situated at Tirupati Municipality from R.Rama Swamy. The sale deed was presented before the first respondent for registration. Though the document was presented on 06.11.2003, the first respondent except keeping the document pending as P.No.147 of 2003, failed to register and release the document. However, by letter dated 19.2.2005, the first respondent directed the petitioner to approach the Administrative Officer of Sri Swami Hathi Ramjee Mutt for clearance to get the document registered. Aggrieved by the same, present writ petition is filed.

Heard learned Counsel for the petitioners and learned Assistant Government Pleader for Revenue (General-T). It is no doubt true that when a document is presented, it is incumbent on the part of the Registering Officer to examine the same with reference to Sections 31 and 36 of the Registration Act, 1908 (the Act, for brevity) and/or Rules 26 and 58 of the Andhra Pradesh Rules under the Act. This aspect of the matter was considered by my learned brother Hon'ble Sri Justice A.Gopal Reddy in W.P.No.15199 of 2004 dated 01.9.2004.

Following the above, this writ petition is disposed of directing the first respondent or any other Registering Officer to accept the document presented by the petitioner and consider the same for registration. Be it noted, if for any reason, the document presented is not registered, it is incumbent on the part of the Registering Officer to record and furnish reasons under Section 71 of the Act. Even thereafter, if the petitioner has any grievance, she may file appeal before the appellate authority i.e., District Registrar under Section 72 of

the Act. Thereafter, if any adverse order is passed by the Appellate Authority, the petitioner can file a suit under Section 77 of the Act.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO,J**)

November 08, 2006.

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